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Secy. II-27-50,000-4-1-52.

Development (1953) Department

MS SERIES.

G.O. NO. 1954

Dated 27-4-53.

FOR MYSORE STATE

[Despatch Abstract.]

Labour — Dispute — Dispute between
the workers and the management of
Sri Krishna Handloom Weaving Factory
Mangalore — Refruse to the Ind.
Tribunal, Conciliatory, for adjudi-
-cation — Order.

No. A4.381/53.

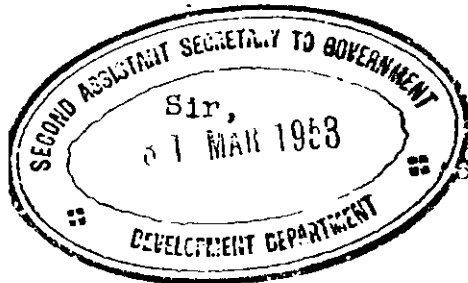
Office of the
Commissioner of Labour, P.B.No.429, Madras
Dated 26-3-53.

From

Sri C.G. Reddi, I.A.S.,
Commissioner of Labour, Madras.

To

The Secretary to Government,
Development Department,
Fort St. George, Madras.



Sub: Labour - Dispute - Dispute between the
workers and the management of Sri
Krishna Handloom Weaving Factory,
Mangalore - Retrenchment of workers -
Recommendation for adjudication.

1-3-44
7.9.53
The conciliation and the confidential reports
No.403/53 dated 9-3-53 of the Labour Officer, Kozhikode
are enclosed.

I had asked the management to meet me at
Mangalore recently and they failed to come but sent a lawyer.
No discussion could therefore take place.

In the circumstances, the issue mentioned in

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.2.

the Labour Officer's letter may be referred to the Industrial Tribunal, Coimbatore for adjudication.

RR.27-3.

Encl. 4 sheets.

K. V. Parthasarathy
or Commissioner of Labour.
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Ref:- 403/53.

Office of the Labour Officer,
Puthiyara, Kozhikode, dated 9-3-'53.

From
Sri. D. K. Purushothaman, B.A.,
Labour Officer, Kozhikode.

To
The Secretary to Government,
Development Department,
Fort St. George, Madras.

Thro'
The Commissioner of Labour,
P.B. No. 429, Madras.

Sir,

Sub:- Labour- Dispute- Dispute between the workers and the management
of Sri Krishna Hand-loom Weaving Factory, Mangalore- Retrenchment
of workers- Conciliation failure of- Report submitted.

Ref:- Letter dated 29th January '53 from the Secretary, South Kanara
Weavers' Union (Registered Union No. 1536) to the Labour
Officer, Kozhikode (copy enclosed)

The Secretary of the South Kanara Weavers' Union has, in his letter
cited above, represented to me that the management of Sri Krishna Hand-loom Weaving
Factory, Mangalore has served a notice of termination on 14 workers. The reason
given by the management is slackness in Trade and accumulation of stock.

Subsequently on 14-2-'53 the management has effected the termina-
tion as per his notice on 20-2-'53.

On 20-2-'53 I visited Mangalore to conduct conciliation proceedings
in the above dispute but all my efforts to bring about an amicable settlement fail

The management's contention is that these 14 workers are found
surplus to their requirements and hence retrenched.

The Union on the other hand contends that this is a case of
victimisation as the principle of "last come first go" was not applied while
retrenching. Moreover the Union states that there is no need to retrench wo

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r) from Hand-loom industry as the workers were given work in rotation.

c) Finding the management is not prepared to reemploy or reinstate these workers, the Union have demanded that gratuity shall be paid to these retrenched worker.

The management did not agree to this.

I then wrote to the management on 24-2-'53 requesting them to reconsider their decision on the question of gratuity. But so far no reply has been received by me.

Enclosure:- 1.


10 LABOUR OFFICER.

Copy submitted to the Commissioner of Labour, Madras.

Copy to the Proprietor, Sri Krishnan Hand-loom Weaving Factory, Southerpet, Mangalore.

Copy to the Secretary, South Kanara Weavers' Union, Jappu, Mangalore.

Copy to the District Magistrate, South Kanara, Mangalore.

Copy to the District Superintendent of Police, South Kanara, Mangalore.

KPS/9-3

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Copy of letter & No. 21/53 dated 29-1-'53 from the Secretary, South Kanara Weavers' Union, Mahanavamikatta, Jappu, Mangalore to the Labour Officer, Kozhikode.

Sir,

Sub:- Notice of discharge served on 14 workers by Sri Krishna Handloom Factory- Intervention prayed for.

The Manager of Sri Krishna Handloom Weaving Factory, Southerpet has served notices on 14 workers terminating their services with effect from 14-2-'52. It may be remembered dispute in this factory was settled by yourself and this action of the Management is illegal and unwarranted. This is a case of victimisation and in violation of the terms of settlement dated 18-1-'53. It was specifically provided that no worker should be victimised.

The reason given by the Proprietor is slackness in Trade and accumulation of stock etc. which is not true. Even if he wanted to cut production he could have adopted other measures.

I, therefore request you to kindly intervene in the matter and request the manager to cancel the notice dated 28-1-'53 served on the 14 workers.

(P.T.O)

6 I, further request that the Manager may be informed not to act on his notice pending enquiry by yourself at the time of your next visit.

S/d.
Secretary.

/True copy/

CONFIDENTIAL:
Ref:- 403/53.

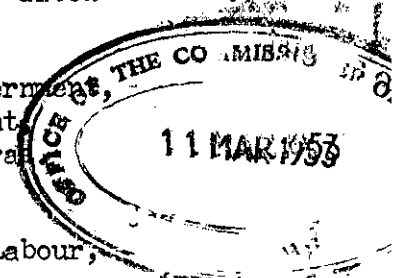
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From
Sri. D. K. Purushothaman, B.A.,
Labour Officer, Kozhikode.

Office of the Labour Officer,
Puthiyara, Kozhikode, dated 9-3-'53.

To
The Secretary to Government,
Development Department,
Fort St. George, Madras.

Thro'
The Commissioner of Labour,
P.B. No. 429, Madras.



Sir,

Sub:- Labour- Dispute- Dispute between the workers and the management
of Sri Krishna Hand-loom Weaving Factory, Mangalore- Retrench-
ment of workers- Conciliation failure of- Report submitted.

Ref:- Letter dated 29th January '53 from the Secretary, South Kanara
Weavers' Union (Registered Union No. 1536) to the Labour
Officer, Kozhikode.

In my opinion the retrenchment is ~~malafide~~. The proprietor has
not cared to take into consideration the seniority of these workers. There are
many juniors still working in the factory. Moreover there is no necessity of
retrenching any worker in any hand-loom industry. The practice in every hand-loom
factory is that the available work is distributed equally among the workers in
rotation.

(P.T.O)

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N | Finding the management adamant the Union did not press the question of reinstatement but told me that they would be satisfied if the workers were given gratuity.

P | I persuaded the management to give every worker gratuity at the rate of $\frac{1}{2}$ a months Basic wages for every year of service after citing so many decisions of the Tribunals but of no avail.

I, then wrote to the management on the 24th February '53 to reconsider his decision but with no effect.

N | I, thereupon, requested the Commissioner of Labour to intervene. Accordingly the Commissioner of Labour issued notices to both the parties to meet him on the 7th March '53 at Mangalore. I was told by the Commissioner of Labour on the 8th at Kozhikode that the Proprietor failed to appear.

R | In the circumstances I recommend that the gratuity question may be referred to the Industrial Tribunal for adjudication.

The Union is a registered one and represents the majority of workers in the above factory.

The names of the retrenched workers are given below.

- | | |
|-----------------------------|-----------------------------|
| (1) Mahalinga Shetty, | (8) A. Venkat Karkera, |
| (2) M. Ramachandra Poojari, | (9) Putta Sapalya, |
| (3) M. Babu Poojari, | (10) B. Babu Poojari, |
| (4) K. Booba Poojari, | (11) K. Poova Poojari, |
| (5) J. Rama Poojari, | (12) K. Poovappa Poojari, |
| (6) J. Thaniappa Karkera, | (13) M. Manjappa Karkera, |
| (7) K. Thaniappa Poojari, | (14) J. Krishnappa Poojari. |



$\frac{1}{3}$ LABOUR OFFICER.

Copy submitted to the Commissioner of Labour, Madras.

Revised
27/4/53

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Development Department

Labour - Disputes - Dispute between the Workers and the management of ~~the~~ Sri Krishna Handloom Wvg. Factory, Mangalore
Reference to the Industrial Tribunal, Coimbatore,
for adjudication - Ordered.

Read:

From the Commissioner of Labour letter No. A4-381/53
dated 26-3-53 -

ORDER Ms. No. 1954 Development Dated 27-4-53

The following notification will be published in
the Fort St. George Gazette:-

NOTIFICATION

Whereas an Industrial dispute has arisen between
the workers and the management of ~~the~~ Sri Krishna Handloom
Wvg. Factory, Mangalore, in respect of ^{the} matter mentioned in the
annexure to this order;

And whereas in the opinion of ~~H.E.~~ the Governor
of Madras it is necessary to refer the said dispute for
adjudication;

Now, therefore in exercise of the powers conferred
by Section 10(1)(c) of the Industrial Disputes Act, 1947 ^{Central} (Act
XIV of 1947), ~~H.E.~~ the Governor of Madras hereby directs
that the said dispute be referred for adjudication to the
Industrial Tribunal, having its place of sitting at Coimbatore.

2548
26-4-53

W. T. V.

1 P.T.O. for
annexure.

To the Ind. Tribunal, Coimbatore
C. of L., Madras.
Collector of South Kanara
Superintendent, G.P., (for publication)
Secy. to Govt. of India,
Ministry of Labour, New Delhi.
A.G., Madras.
Management of ~~the~~ Sri Krishna Handloom Wvg. Factory,

South Kanara Weavers Union, Jappa, Mangalore.

ANNEXURE

Payment of gratuity to the following retrenched workers:—

R'ispr.

- (1) Mahalinga Shetty.
- (2) M. Ramachandra Poojari.
- (3) M. Babu Poojari.
- (4) K. Booba Poojari.
- (5) J. Rama Poojari.
- (6) J. Thaniappa Karkera.
- (7) K. Thaniappa Poojari.
- (8) A. Venkat Karkera.
- (9) Putta Sapalya.
- (10) B. Babu Poojari.
- (11) K. Poova Poojari.
- (12) K. Poovappa Poojari.
- (13) M. Manjappa Karkera.
- (14) J. Krishnappa Poojari.

p. 9 of

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W
27/10/83

LABOUR - Disputes - between the workers and the management of Sri Krishna Handloom Weaving Factory, Mangalore - regarding retrenchment of workers -

Ref: From the Commr. of Labour Letter No.A.4.381/53 dated 26--3--1953.

In January 1953 the Secretary South Kanara Weavers' Union represented to Labour Officer, Kozhikode that the Management of Sri Krishna Handloom Weaving Factory served a notice terminating the service of 14 workers and on 14-2-1953 effected termination. The reason for retrenchment given by the management was slackness in trade and accumulation of stock and that the above 14 workers ^{were} ~~have~~ surplus.

The Union's contention is that this is a case of victimisation ~~as~~ the principle of "last come first go" was not applied while retrenching and that there is no need for retrenchment in Handloom trade as the workers were given work in rotation. Finding that the management is ^{prepared} ~~not prepared~~ to re-employ those workers the Union demanded that gratuity should be paid to them. The management did not agree. ^{Efforts} ~~Efforts~~ towards amicable settlement and conciliation are reported to have failed both by Commr. of Labour and Labour Officer.

In his confidential report the Labour Officer says that the retrenchment is ^{malafide} ~~made for~~ and that the proprietor did not care to take into consideration the seniority of workers retrenched and that there are many juniors now working. He adds that the practice in every handloom industry is that the ^{available} ~~work~~ work is distributed among the workers in rotation and that there is ~~now~~ need to retrench any one. Finding the management adamant the Union did not press the question of reinstatement but told the Labour Officer that they would be satisfied with gratuity being given to those workers.

Efforts of the Labour Officer to persuade the management to give gratuity at the rate of 1 1/2 months'

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A or p 3 of

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basic wages for every year of service proved futile. The Commissioner of Labour when he visited Mangalore tried to intervene but the proprietor failed to appear before him

Mar 806

The Labour Officer has recommended that the question of gratuity may be referred to adjudication. The Commr. of Labour has also endorsed his recommendation.

Mar 806
11-206

For orders whether the recommendation of the Commr. of Labour will be accepted and matter will be referred for adjudication ~~or not~~ in respect of the issue of gratuity to retrenched workers.

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any refer to adjudication.

Yes.
M. Krishna Rao
24/4/53.
(154)

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(orders in circulation above)

A draft order is submitted for approval.

25/4/53
28/4/53

in
m/s 3

(Issued as GO. Ms. No. 1954, Dv., dated 27.4.53)

24 APR 1953
DEPT. DEPT.

